

CITY UTILITIES COMMITTEE

MINUTES

MAY 27, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, May 27, 2008 at 9:15 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook

The following members were absent:

The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Natalyn M. Archibong

Others present at the meeting were: Theresa Stewart, Marc Goncher, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioners Shelia Pierce, Sally Mills and George Barnes, Department of Watershed Management; Michelle Wynn and Madelyn Grant, Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:15 a.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF THE AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

C. COMMENTS FROM THE PUBLIC

D. COMMUNICATION

08-C-1026 (1) A Communication by Councilmembers Carla Smith, District 1; Kwanza Hall, District 2 and Ceasar C. Mitchell, Post 1 At-Large appointing **Mr. Ronald O. Smith** to serve as a member of the People TV Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

(Councilmember Smith made a motion to forward to Committee on Council with no recommendation.)

FORWARDED WITH NO RECOMMENDATION

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E. ORDINANCE FOR SECOND READING

- 08-O-0888 (1) An Ordinance by City Utilities Committee amending the 2008 (Intergovernmental Grant Fund) Budget, Department of Public Works ("Department") by adding to anticipations and appropriations, in the amount of \$25,000.00, for grant funds from the Atlanta Development Authority for the purpose of receiving reimbursement funds for construction services for the Metropolitan Parkway Streetscape Project; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 08-R-1029 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Terminus 200 LLC, 3280 Peachtree I LLC and Terminus Master Condominium Association, Inc., providing for the non-standard location of City of Atlanta Water Meters within Private Property and Private Rights-of-Way; to require and accept easements from Terminus 200 LLC, 3280 Peachtree I LLC and Terminus Master Condominium Association, Inc., for the purpose of allowing the City access to its water meters; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-1030 (2) A Resolution by City Utilities Committee authorizing the Mayor to accept a quitclaim easement deed on Norfolk Southern Railway Company property running under the Hollywood Road Bridge located between Perry Boulevard and Burtz Street, for the purpose of allowing the City public right-of-entry for maintenance of the approaches to the Hollywood Road Bridge and for maintenance of the Bridge; and for other purposes.
(Councilmember Smith made a motion to hold.)

HELD

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RESOLUTIONS (CONT'D)

- 08-R-1031 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement which authorizes the Norfolk Southern Railway Company to install a new Hollywood Road Bridge above the railroad's right-of-way that runs below Hollywood Road between Perry Boulevard and Burtz Street, to relocate a Department of Watershed Management Water Main running across the surface of the present bridge, to cause the City to assist, if necessary in the permanent acquisition of easements to permit the installation of traffic control devices along the temporary detour route to be used during bridge construction, to require the railroad to deliver to the City a new easement over the railroad's property under the Hollywood Road Bridge; and for other purposes.
(Councilmember Smith made a motion to hold.)

HELD

- 08-R-1126 (4) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$_____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.
(Councilmember Smith made a motion to hold.)

HELD

- 08-R-1131 (5) A Resolution by Councilmember Cleta Winslow expressing the intent of the City of Atlanta to terminate a sewer easement encumbering property located on Rockwell Street, which has been developed as affordable rental housing known as Pittsburgh Apartments and the intent of the City of Atlanta to accept the dedication of a relocated sewer easement encumbering said property; and for other purposes.
(Councilmember Smith made a motion to approve.)
FAVORABLE

G. ORDINANCE FOR FIRST READING

- 08-O-1028 (1) An Ordinance by City Utilities Committee to accept a permanent construction easement and the necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the detour route for the Hollywood Road Bridge Replacement Project; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings and to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4 in an amount not to exceed \$250,000.00 which will come from Impact Fees charged to developers; all contracted work will be charged to and paid from Fund Department Organization and Account Numbers: 3502 7*****130308*****; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

H. PAPERS HELD IN COMMITTEE

- 06-O-0937 (1) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administering Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

- 07-R-0002 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-1214 (3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

- 07-R-1477 (4) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

HELD

- 07-O-1521 (5) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2023 (6) An Ordinance by Councilmember Carla Smith **as amended by City Utilities Committee** authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE, et al.) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-R-2147 (7) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of fifty-seven (57) Wayfinding Signs on the City's right-of-way; and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE ON SUBSTITUTE

- 07-O-2505 (8) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2604 (9) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 07-O-2605 (10) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 08-R-0008 (11) A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14th (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes. **(Held 1/15/08 for further review.)**

HELD

- 08-O-0426 (12) An Ordinance by City Utilities Committee to create Chapter 154, Section 121 (Drought Surcharge Established) and Chapter 154, Section 279 (Drought Surcharge Established) in the Code of Ordinances, City of Atlanta, to establish new Drought Surcharges for the City of Atlanta's Water and Wastewater Systems; and for other purposes. **(Public Hearing held 3/19/08 at 6:30 p.m. in the Council Chambers) (Held 3/11/08)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0481 (13) An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

HELD

- 08-O-0562 (14) An Ordinance by Councilmember Anne Fauver **as amended by City Utilities Committee** amending the Code of Ordinances of the City of Atlanta by deleting a sentence in subparagraph (f); and for other purposes. **(Held 4/1/08 for further review.)**

HELD

- 08-R-0682 (15) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road; and for other purposes. **(Held 5/5/08 for further review)**

HELD

- 08-R-0684 (16) A Resolution by Councilmember Natalyn Archibong authorizing the Mayor to execute Renewal No. 1 with Precision 2000, Inc., for FC-3006007964, Metropolitan Parkway Phase I and Phase II Streetscape Project, on behalf of the Department of Public Works, in an amount not to exceed \$825,751.00; all contracted work shall be charged to and paid from Various Fund Department and Account Numbers; and for other purposes. **(Held 5/5/08 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-R-0685 (17) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with SD&C, Inc., for FC-3005007883-B, Annual Contract, Construction Services for Sidewalk, Driveways and Curbs, on behalf of the Department of Public Works, in an amount not to exceed \$953,268.54; all contracted work shall be charged to and paid from Various Fund Department and Accounts Numbers; and for other purposes. **(Held 5/5/08 for further review)**

HELD

- 08-O-0744 (18) A **Substitute** Ordinance by City Utilities Committee to fix a schedule for monthly Water and Sewer Rates and Charges for the City of Atlanta, Georgia, and to create and fix a convenience charge to recover the cost of processing credit card, electronic check and debit card payment use as authorized by Chapter 154, Article III, Division 3, Sections 154-111 and 154-112 (Water Rates and Charges) and Chapter 154, Article V, Divisions 3, Sections 154-276 and 154-277 (Sewer Rates and Charges) for the time period beginning July 1, 2008 and terminating June 30, 2012; and for other purposes. **(Substituted and held 5/13/08) (Public Hearing held 5/21/2008)**

HELD

- 08-O-0871 (19) An Ordinance by Finance/Executive Committee to authorize the increase in Residential Sidewalk Installation Fees when the City of Atlanta directly provides the installation services pursuant to the provisions of Chapter 138, Sections 138-76 and 138-96, and Appendix B of the Code of Ordinances, City of Atlanta, Georgia; and for other purposes. **(Held 5/13/08) (Public Hearing held 5/21/2008)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0880 (20) An Ordinance by Finance/Executive Committee to authorize the increase in Permit Fees to allow the installation of Sewer Lines, Water Lines, and Water Meters, by qualified private contractors pursuant to the provisions of Chapter 138, Section 138-65 and Appendix B of the Code of Ordinances, City of Atlanta, Georgia; and for other purposes. **(Held 5/13/08) (Public Hearing held 5/21/2008)**

HELD

- 08-O-0881 (21) An Ordinance by Finance/Executive Committee to authorize the insertion of sidewalk and lane closure provisions, requirements, and fees in Chapter 138, Article III (Construction or Excavation in the right-of-way), as new Code Section 138-75 and in Appendix B of the Code of Ordinances; and for other purposes. **(Held 5/13/08) (Public Hearing held 5/21/2008)**

HELD

- 08-O-0883 (22) An Ordinance by Finance/Executive Committee to authorize the increase in permit fees for the installation of sidewalks, driveway aprons, curbs, and gutters by qualified private contractors pursuant to the provisions of Chapter 138, Sections 138-96 and 138-98 and Appendix B of the Code of Ordinances, City of Atlanta, Georgia; and for other purposes. **(Held 5/13/08) (Public Hearing held 5/21/2008)**

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1000 (23) An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**

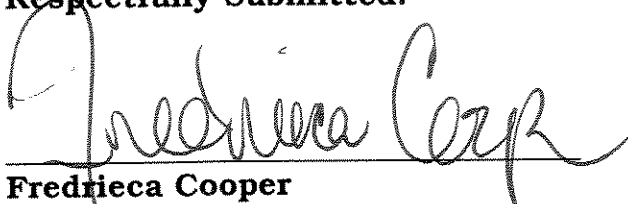
I. REQUESTED ITEM

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.


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There being no further business to come before the Committee, the meeting was adjourned at 9:45 a.m.


Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Carla Smith, Chair
City Utilities Committee